

REMARKS

I. Summary of Claim Amendments

Claim 1 is amended to define the X group of repeating unit (A) as being a fluorine atom, or a chlorine atom, the repeating unit (B) as having a silane functional group, and the repeating unit (C) as being derived from a fluorine-free alkyl group-containing alkyl (meth)acrylate monomer.

Claims 2 and 5 are canceled without prejudice.

Claims 9 through 12 are added.

Support for claim 9 can be found, for example, in claim 1.

Support for claim 10 can be found, for example, at page 9, lines 18-19 of the specification.

Support for claim 11 can be found, for example, at page 9, lines 8-10 and page 10, lines 1-3 of the specification.

Support for claim 12 can be found, for example, in claim 1.

No new matter is added. Accordingly, Applicants respectfully request entry and consideration of the Amendment. Upon entry of the Amendment, claims 1, 3, 4, and 6-12 will be pending. Claims 6-8 are withdrawn from consideration for being drawn to non-elected species.

II. Response to Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-3 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Inukai et al. (EP 0 327 906 A1 or its equivalent U.S. Patent No. 5,128,389) or Ohmori et al. (EP 0 247 489 A2 or its equivalent U.S. Patent No. 5,021,501).

The above rejections should be withdrawn for the following reasons.

The fluorine-containing polymer for masonry treatment of amended claims 1 and 12 has a combination of monomers (A), (B) and (C), wherein monomer (A) is an acrylate in which the X group is either a fluorine atom or a chlorine atom, and the Rf group is a C₁₋₆ fluoroalkyl, fluoroalkenyl group, or fluoroether group, monomer (B) has a reactive silane group, and monomer (C) is an alkyl (meth)acrylate.

Although Inukai and Ohmori may disclose a large number of different monomers, including monomers (A), (B) and (C) of claims 1 and 12, neither Inukai nor Ohmori teaches or suggests the specific combination of monomers (A), (B) and (C) forming the polymer of present claims 1 and 12.

Namely, both Inukai and Ohmori disclose a laundry list of monomers, and there is nothing in the cited prior which would lead one of ordinary skill to select the specific combination of monomers defined in present claims 1 and 12. More particularly, because of the large listing of monomers, one of ordinary skill would not envisage the specific combination as defined in claims 1 and 12. Accordingly, the amended claims are novel and not anticipated by any of Inukai and Ohmori.

Moreover, although Inukai teaches a methyl methacrylate, Inukai does not disclose the use of alkyl (meth)acrylates, as defined in amended claim 1.

Ohmori teaches an alkyl (meth)acrylate and (meth)acrylates having a functional trialkoxysilyl group, as examples of the “other” monomers. See, formula (2) and page 4, line 23 to page 5, line 12 of Ohmori. However, the alkyl (meth)acrylates and the (meth)acrylates having a functional trialkoxysilyl group of Ohmori, are listed among a large number of examples of

other monomers. Therefore, Ohmori does not explicitly teach a combination of alkyl (meth)acrylate, i.e., monomer (C) of claims 1 and 12, and (meth)acrylates having a functional trialkoxysilyl group, i.e., monomer (B) of claims 1 and 12. Furthermore, in the Examples of Ohmori, the monomer (B), i.e., (meth)acrylates having a functional trialkoxysilyl group, is not used. Additionally, transitional language “consisting of” of claim 12 excludes the presence of additional monomers, for example, the GMA (glycidyl methacrylate) monomer used in Ohmori.

Accordingly, claims 1 and 12 are patentable over the both Ohmori and Inukai. Claims 3, 4, and 9-11 are also patentable, at least by virtue of their dependence from claim 1. Therefore, Applicants respectfully request reconsideration and withdrawal of the § 102(b) rejections of claims 1, 3, 4, and 9-12.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/559,810

Attorney Docket No.: Q91902

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Abraham J. Rosner
Registration No. 33,276

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: November 23, 2009